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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,084	09/23/2003	David Winn Blevins	000024-165	6340
7590 Seymour Levine 2C Chateaux Circle Scarsdale, NY 10583			EXAMINER SHERMAN, STEPHEN G	
			ART UNIT	PAPER NUMBER
			2629	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/670,084

Applicant(s)

BLEVINS, DAVID WINN

Examiner

Stephen G. Sherman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 5-13 is/are allowed.
- 6) ☒ Claim(s) 14-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed the 21 March 2007. Claims 1, 5-16 and 18 are pending. Claims 2-4 and 17 have been cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 14-16 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 15-16 and 18 are objected to because they recite the limitation "said processor". There is insufficient antecedent basis for this limitation in the claim.
4. Claim 18 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 18 is dependent from claim 16, which is in turn dependent upon claim 14. Claim 18 states: "a ratio determinator...to modify target color luminance in accordance with said ratio." This

limitation is already stated in claim 14, and therefore claim 18 does not further limit claim 16.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 14-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aleksic (US 20030210221) in view of Weindorf (US 2002/0118182).

Regarding claim 14, Aleksic teaches a transmissive display system comprising:
a look-up table (Paragraph [0040], lines 1- 12) coupled to receive signals (Figure 6, signals 531-533) representative of colors to be displayed on a screen of said

transmissive display system (Figure 6), said look-up table having data accessed by said signals, said data determining illumination levels of primary color filters associated with pixels on said screen (Paragraph [0040], lines 1-12); and

a backlight providing illumination of said primary color filters (Figure 1, backlight 136).

Aleksic also discloses wherein a backlight luminance is selected in accordance with ambient light conditions (Paragraph [0012]), however, Aleksic fails to teach of a ratio determinator which provides a ratio of a first backlight luminance to a second backlight luminance and a luminance modifier coupled to said ratio determinator to modify target color luminance in accordance with said ratio.

Weindorf discloses wherein the backlight luminance of a display is selected in accordance with ambient light conditions, where the display systems comprises:

a ratio determinator which provides a ratio of a first backlight luminance to a second backlight luminance (Paragraphs [0029]-[0030] explain that the logarithmic sensor 114/control circuitry 108 provide a digitized sensor signal which is used to provide a brightness step number and a corresponding brightness or luminance value, and that the step number can be selected from a look-up table. It is also explained that the brightness or luminance adjustments are based upon the capability of the human eye, which perceives brightness changes in essentially constant ratio steps. Paragraph [0032] then explains that a constant ratio step is when the ratio of a first pair of sequential luminance values are essentially the same as the ratio of a second pair of sequential luminance values. This means that a ratio of a first backlight luminance and

a second backlight luminance is determined. Also refer to paragraphs [0034] and [0040]-[0047].); and

a luminance modifier coupled to said ratio determinator to modify target color luminance in accordance with said ratio (Paragraph [0027] explains that the control circuitry 108 controls or adjusts the luminance of the backlight, and as shown in Figure 1 the sensor 114 provides the signal for changing the luminance to the control circuitry 108.).

Therefore, it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the teachings of modifying the luminance taught by Weindorf with he display system taught by Aleksic in order to provide an automatic brightness adjustment that correspond to the perception capability of the human eye that results in optimum viewing brightness.

Regarding claim 15, Aleksic and Weindorf disclose the transmissive display system in accordance with claim 14.

Aleksic also discloses wherein a processor includes a light sensor (Figure 1, light detector 145) that senses ambient light levels and selects backlight luminance in accordance with sensed ambient light levels (Paragraph [0021], lines 1-12).

Regarding claim 16, Aleksic and Weindorf disclose the transmissive display system in accordance with claim 14.

Aleksic also discloses wherein a processor includes a light sensor (Figure 1, light detector 145) that senses ambient light levels and provides an indication of optimum backlight luminance (Paragraph [0021], where it is clear that the sensed ambient light is used to indicate the optimum backlight luminance).

Regarding claim 18, please refer to the rejection of claim 14.

Allowable Subject Matter

8. Claims 1 and 5-13 are allowed.
9. The indicated allowability of claims 14-16 and 18 is withdrawn in view of the newly discovered reference(s) to Weindorf (US 2002/0118182). Rejections based on the newly cited reference(s) follow.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen G. Sherman whose telephone number is (571) 272-2941. The examiner can normally be reached on M-F, 8:00 a.m. - 4:30 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SS

3 April 2007

AMR A. AWAD
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Amr A. Awad", written over a horizontal line.